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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,595	12/28/2001	Hans Georg Platsch	OST 011295	1689

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EXAMINER

TADESSE, YEWEBDAR T

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 06/04/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,595

Applicant(s)

PLATSCH, HANS GEORG

Examiner

Yewebdar T Tadesse

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-7, 17-18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Pingel (US 5,279,631). As to claim 1, Pingel discloses (see Figs 6 and 9 and column 6, lines 24-57) a dusting device comprising a housing (coating booth 1); at least one powder gas delivery device which discharges a powder gas jet onto a surface of products (spray guns); and a suction device (suction 5 having a suction fan 50) for unused powder gas, whereby at least one housing wall having an air –permeable mat arrangement (filter arrangement 2 having a surface filter 22 on one of the booth walls). As to claims 2-3, Pingel teaches a filter arrangement 2 connected to a suction fan and a plurality of suction fans as shown in Figs 6 & 9. With respect to claim 4, in Pingel's coating booth, the airstream is capable of flowing parallel to the powder jet of the spray guns. As to claim 6, in Pingel the air-permeable filter mat arrangement (filter surface 22) is capable of being replaced for instance in case of worn out. As to claim 7, Pingel discloses (see Fig 9) a number of filter mats arranged directly next to each other. As to claim 17, in Pingel the housing walls having filter medium (22) surrounded by pressurized air supplied by nozzles 71 (see Fig 9). Regarding claim 18, Pingel discloses two suction devices (53) for unused powder gas arranged on the lower end of

Art Unit: 1734

the two housing walls capable of being transversal to the product conveyor direction as shown in Fig. 6. As to claim 21, in Pingel (see Fig 6) the filter arrangement 2 connected to the suction 5 is arranged in series to the fans (50).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pingel (US 5,279,631) as applied to claim 1 and further in view of Klein (US 4,394,146). Pingel lacks teaching an air-permeable filter mat arrangement held by a mat holder formed as a grid. However a filter medium or mat with a support grid is well known in the art; for instance Klein discloses (see Figs 2-4) a filter mat (39) held by a grid (22). It would have been at the time the invention was made to include a filter mat having a grid in order to support it in the chamber or booth.

6. Claims 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pingel (US 5,279,631) as applied to claim 1 and further in view of Tanaka et al (US 6,261,979). Pingel is silent concerning the filter mat arrangement consisted of a polyester material and the pressure differential, thickness and weight per m² of the filter mat or medium. However, it is well known in the art a filter medium consisted of a polyester and a filter medium having different ranges of thickness, weight and pressure loss; for instance -Tanaka et al discloses (see column 1, lines 12-15, column 2, lines 18-28 and column 9, lines 30-35) a filter medium consists of a polyester material and a filter medium having characteristics within the range of claimed invention – pressure differential (loss) of 2-50 mm of H₂O (20-490 Pa) and weight of 15-300 g/m². It would have been obvious at the time the invention was made to provide a filter mat having such characteristics (different pressure loss, weight per m² and thickness as claimed in claims 8-15) in Pingel to attain a high performance air filter as taught by Tanaka et al throughout experimental analysis.

7. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pingel (US 5,279,631) as applied to claim 1 and further in view of Rombach et al (US 3,814,002). Pingel is silent concerning a dusting device in which the suction device has at least one powder-trapping wall, which lies in the extension of a non-air permeable housing wall, and the suction device having a suction aperture, which is adjustable with a slide. Rombach et al discloses a suction device (suction manifold 18 with conduit 17)

Art Unit: 1734

having a powder-trapping wall (side wall 47 &48), which lies in the extension of non-air permeable housing wall (30, 31) and a suction aperture (troughs 40, 41) with adjustable slide (baffles 52-57). It would have been obvious at the time the invention was made to include trapping wall in the extension of non-air permeable wall and an adjustable suction aperture in Pingel to control the flow of air through the suction device and the flow of powder in the coating chamber.

Allowable Subject Matter

8. Claim16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: Prior art of record doe not disclose or suggest a dusting device comprising, among others, in which an upper and at least two lateral housing wall in each case have a filter mat arrangement.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T Tadesse whose telephone number is (703) 305-3539. The examiner can normally be reached on Monday-Friday 8:00 AM-4: 30 PM.

Art Unit: 1734


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



YTT

May 23, 2003


CURTIS MAYES
PRIMARY EXAMINER